

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,265

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare requiring her to apply all her available income and resources to pay for temporary housing prior to granting general assistance (GA) for that purpose. The issue is whether the Department's decision was in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and her husband have two children. The petitioner's husband is employed, but apparently has limited earnings. On March 25, 1996, the petitioner applied for GA to move to a different temporary housing situation. The family had been staying in a hotel that did not include kitchen facilities; and, as a result, the family felt it was spending more on food than it would have to if they had kitchen facilities. The petitioner had located a different hotel that had cooking facilities, and was applying for GA for \$175.00 to move to that hotel.

At the time, the family had \$100.00 cash on hand from the petitioner's husband's last paycheck. The Department gave the petitioner a voucher for \$75.00 and told the petitioner she would have to pay the difference out of her cash on hand. The petitioner requested a fair hearing to appeal this decision.⁽¹⁾

Around that same time, however, the petitioner's husband had spent \$25.00 of this money on a car repair. By the time the petitioner could borrow \$25.00 to pay for the new hotel room, the room had already been rented. When the petitioner returned to the Department, the Department provided her with a voucher to enable her return to her previous hotel room.

By the time the fair hearing was held in this matter (April 17, 1996) the petitioner had moved into an apartment and had no immediate need for GA. The petitioner⁽²⁾ indicated, however, that she still wished a ruling whether the Department should have limited her GA payment to \$75.00 on March 25, 1996.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2600C(5) includes the provision that GA will only be granted when the applicant has "exhausted all available income and resources except that: . . . applicants who have available resources less than their need shall have the amount of the resources deducted from the GA grant . . ."

Inasmuch as the Department's decision in this matter was clearly in accord with the above provision, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. That same day, the hearing officer denied the petitioner's request for an "expedited hearing" (see Procedures Manual § P-2610D) based on the fact that the petitioner was not facing an imminent loss of housing.
2. Actually, it was the petitioner's husband who appeared at the hearing.